

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tsuyoshi Okawa ATTY. DOCKET NO. 09792909-5214  
SERIAL NO.: 09/972,375 GROUP ART UNIT: 1745  
FILING DATE: October 5, 2001 EXAMINER: Mark Ruthkosky  
INVENTION: "NON-AQUEOUS ELECTROLYTE SECONDARY CELL"

**RESPONSE TO REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SIR:

Applicants appreciate the issuance of the Notice of Allowance with the accompanying statement of the Examiner's reasons for allowance.

However, this is a disavowal of any acquiescence in any particular claim interpretation that might be attributed to the examiner in the reason for allowance. Claim interpretation is established as a matter of law by the courts during appropriate adversarial proceedings. Any comment made by the examiner is not necessarily shared by applicant. Applicant does not waive any right to establish any claim interpretation, albeit different or even contrary to the examiner's interpretation, that can be supported by the record in this matter.

Moreover, while applicant believes at least the allowed claims are allowable at least for the reasons of record, there might be other bases for allowability not yet fully explored or established. The reason for allowance sets forth only one view expressed by the examiner.

Respectfully submitted,

/David R. Metzger/  
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